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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,753	01/24/2002	James Stanley Spencer	089654-000000US	9919

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,753	Applicant(s) SPENCER ET AL.	
	Examiner Linda Krisciunas	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "adapted to" does not positively recite the limitations of the claim and is deemed indefinite. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-28 and 33-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Remsoft Inc., Woodstock and Stanley programs.

As per claims 1, 16, 27 and 33, Remsoft teaches a method of integrated natural resource management comprising: storing and managing resource management information associated with defined geographic units in a database (page 1, paragraph 1 and 2), including storing spatial and non-spatial information associated with the defined geographic units (page 4, Creating input files); preparing resource activity plans based on the resource management information for use in managing a natural resource within the defined geographic units (page 1, paragraph 4: "input pre-scheduled

activities, view block harvest schedules, advance or delay the timing of scheduled activities” whereby these actions are equivalent to a resource activity plan as they produce the same result in substantially the same manner with substantially the same results.); tracking actual results of managing the natural resource according to the resource activity plans for use in updating the resource management information (page 1, paragraph 4: “assess the impact of environmental regulations on production levels, re-plan and respond to changes” would all require a tracking function); and updating the resource management information based on the tracking of actual results (Remsoft, Stanley page 1, paragraph 4: “modify the structure of attribute tables” would require a form of updating if one is to modify something.).

As per claims 2 and 17, Remsoft teaches the activity plans notify a user when a resource activity plan is affected by updates to the resource management information (Remsoft, Stanley page 1, paragraph 4: “generate activity and output summaries at the stand and block level” and page 3: “complete post-run analysis reports in common file formats” which would serve as a notification function.).

As per claims 3 and 18, Remsoft teaches the resource information stored comprises constraint information based on laws and regulations applicable to the defined geographic units and wherein the constraint information is relied upon in the preparation of resource activity plans (Remsoft, Stanley page 1, paragraph 4: “assess the impact of environmental regulations on production levels”).

As per claims 4 and 19, Remsoft teaches the information comprises constraint information based on customer orders for the natural resource or for products derived

from the natural resource and wherein the said constraint information is relied upon in the preparation of resource activity plans (Remsoft, Stanley page 1, paragraph 4: "harvest schedules" which are tied to orders for the product.).

As per claims 5, 12-13 and 20-21, Remsoft teaches notifying a user when changes in conditions of the resource management information have an impact on resource activity plans (Remsoft, Stanley page 4: "Run time map viewing and updates" whereby the maps are updated and serve as a notification of changes that impact the schedule of resources.).

As per claim 6, Remsoft teaches the information comprises feedback from actual results of managing the natural resource according to the resource activity plans (Remsoft, Stanley page 4, paragraph 4: "the tool updates as better solutions are found").

As per claims 7 and 22, Remsoft teaches preparing the resource activity plans comprises preparing a plan for harvesting the natural resource within the geographic units (Remsoft, Stanley page 1, paragraph 4: "create and schedule harvest blocks").

As per claims 8 and 23, Remsoft teaches preparing a plan for developing infrastructure for use in supporting harvesting the natural resource (Remsoft, Stanley page 1, paragraph 4: "input pre-scheduled activities" whereby these activities would be used to prepare for those that are scheduled, namely harvesting.).

As per claims 9 and 24, Remsoft teaches preparing a plan for maintaining and deactivating infrastructure for use in supporting harvesting the natural resource (Remsoft, Stanley page 1, paragraph 4: "add or remove polygons from blocks").

As per claims 10 and 25, Remsoft teaches preparing a plan for reclamation of the defined geographic units following the receipt of update information pertaining to the effects of harvesting the natural resource (Remsoft, Stanley page 1, paragraph 1: "Stanley:harvest block scheduling software that goes beyond long-term forest management planning to on-the-ground, blocked harvest schedules" whereby the harvesting process includes a post-harvesting reclamation process in order to provide long-term forest management planning).

As per claims 11 and 26, Remsoft teaches preparing a silviculture related plan (Remsoft, Woodstock page 1: Key Features "unlimited number of user-defined harvest, silviculture and other actions").

As per claims 14-15, teaches verifying the resource activity plans comply with one or more silviculture prescriptions associated with the defined geographic units, including comparing one or more quantitative constraints in the silviculture prescription with ecological data stored in the database for the at least one of the defined geographic units. (Remsoft, Stanley, page 1, paragraph 2: "developing a spatial harvest plan" and "generating stand description lists, identifying adjacent stands, finding the best solution and previewing and editing solutions" whereby these activities would include the silvicultural prescription.).

As per claim 28, Remsoft teaches a resource activity management system adapted to provide users with views of the resource activity plans and adapted to compare the resource activity plans with the actual results tracked by the actual results

tracking system (Remsoft, Stanley page 7: The figure depicts reports that can be generated to show the results of the current plans.).

As per claim 34, Remsoft teaches specifying harvesting methods, resource processing destinations, and harvesting dates (Remsoft, Stanley page 1, paragraph 4: "create and schedule harvest blocks").

As per claim 35, Remsoft teaches identifying said plurality of defined geographic units by specifying filtering criteria in order to limit said plurality of defined geographic units to a subset thereof based on the filtering criteria (Remsoft, Stanley page 5, whereby the schedule editor allows you to filter the blocks into various shapes.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remsoft Inc.

As per claim 29, Remsoft does not explicitly teach the customer tracking system adapted to store and track customer information and requirements including delivery requirements wherein product inventory movements can be monitored by the product inventory management system to verify that actual product inventory that is in the process of being harvested for delivery will be delivered to customers in accordance

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with delivery requirements of such customers (Official notice is taken that it is old and well known to have a delivery schedule with a harvest schedule, including the delivery requirements. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to add a delivery requirements feature for the inventory being harvested to provide an efficient means for moving the product through the distribution/harvesting system.).

As per claim 30, Remsoft teaches planning for developing and maintaining infrastructure elements for use in extracting a natural resource from a defined geographic unit (Remsoft, Stanley page 1, paragraph 1-2); tracking results of actual extraction and delivery of the natural resource from the defined geographic unit (page 1, paragraph 4: "assess the impact of environmental regulations on production levels, re-plan and respond to changes" would all require a tracking function); and planning for reclamation of the natural resource within the defined geographic unit (Remsoft, Stanley page 1, paragraph 1: "Stanley:harvest block scheduling software that goes beyond long-term forest management planning to on-the-ground, blocked harvest schedules" whereby the harvesting process includes a post-harvesting reclamation process in order to provide long-term forest management planning, as noted in paragraph 1, page 1.). Remsoft does not explicitly teach planning for the extraction and delivery of the natural resource from the defined geographic unit using the infrastructure elements (Official notice is taken that it is old and well known to have a delivery schedule with a harvest schedule, including the delivery requirements. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to add a delivery requirements

feature of the inventory being harvested to provide an efficient means for moving the product through the distribution system.).

As per claim 31, Remsoft teaches preparing a schedule for constructing the infrastructure elements (Remsoft, Stanley page 1, paragraph 4: "input pre-scheduled activities and view block harvest schedules"). Remsoft does not explicitly teach planning maintenance activities associated with the infrastructure elements and monitoring the progress of the maintenance activities (Official notice is taken that it is old and well known to have a maintenance schedule as part of a harvest schedule to provide means for maintaining all equipment and processes being used. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the harvest schedule of Remsoft with a maintenance schedule system to provide an efficient means for keeping the harvest on schedule.).

As per claim 32, Remsoft does not explicitly teach tracking construction, inspection and deactivation of the infrastructure element associated with the defined geographic unit (Official notice is taken that it is old and well known to track construction, inspect and deactivate the infrastructure associated with each geographic unit. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the harvest system of Remsoft with tracking, inspection, and deactivation features to provide an efficient means for monitoring the harvesting program.).

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Remsoft in view of Perkins et al (US 6,073,114).

As per claim 36, Remsoft teaches planning for renewal of the timber resource within the defined geographic units and tracking actual renewal activities with respect to the timber resource (Remsoft, Stanley page 1, paragraph 1: "Stanley:harvest block scheduling software that goes beyond long-term forest management planning to on-the-ground, blocked harvest schedules" whereby the harvesting process would include a post-harvesting renewal process in order to provide long-term forest management planning). Remsoft does not explicitly teach preparing logging schedules. Perkins teaches that it is known to prepare a logging schedule for harvesting a timber resource from a plurality of defined geographic units, each defined geographic unit having spatial and non-spatial inventory attributes (column 5, lines 53-66: "The Timber Owner Module has two primary functions and one secondary function. The first primary function is the creation of Jobs. Jobs are created when the owner enters a Contract Number, Land Owner Identifier (ID), Timber Owner ID, Forester ID, and Tract ID. This information is then "grouped" together to create a Job. Several Jobs for several different Foresters (or the same Forester) may be created at one time. Once these "Jobs" are, created the second Primary function of the Timber Owner Software is to download this information to the Forester via a floppy disk, via modem, or via any other suitable communication means. The secondary function of the Timber Owner Module is to accept Logger Data from multiple loggers and compile the information for each contract." Whereby the jobs list is equivalent to a logging schedule as it performs an equivalent function in substantially the same manner with substantially the same result.); planning delivery destinations for the timber resource to be harvested from the

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defined geographic units (column 2, lines 15-17: "The crew chief will be responsible, at the site of the timber, for its cutting and loading onto a vehicle, and for its delivery to a particular destination by a driver."); planning harvesting methods for the timber resource (column 6, lines 4-5: "The Forester then negotiates a harvesting arrangement with a Logger."); tracking actual harvesting and delivery of the timber resource from the defined geographic units (trakker box, see Figure 5). Perkins is an analogous art as it also teaches about natural resource harvesting. Therefore it would have been obvious at the time of the invention to modify the harvesting system of Remsoft with the logging schedule and tracking features of Perkins to provide a more comprehensive and encompassing system for the tree harvesting process.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teach about managing resources: Rassman et al (US 4,937,743), Sorvik (US 6,341,632), Sisley et al (US 5,467,268), "Remsoft Inc and Forest Technology Group form Alliance" Business Wire, December 4, 2001; "Forest Technology Group expands its services with a new web-based application for better management of forest resources", Business Wire, January 15, 2002; "Canfor launches subsidiary to develop its Genus resource management technologies", Canada Newswire, July 28, 2000.; Silvicultural Systems Guidebook, Forest Practices Code of British Columbia Act Sections 9, 12(a)(i); 12(b); 209(1), 2(a); 210, April 1995; Landscape Management System (LMS) thesis by James McCarter, Univeristy of Washington, College of Forest Resources, Doctor of Philosophy thesis, 2001; and

"Canfor to market Genus technology: Lumber producer creates subsidiary to sell management system to other sectors", The Vancouver Sun, July 29, 2000.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

LMK
February 14, 2006


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600